

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

)
ROGER RIDDLE,)
)
)
Plaintiff,)
)
)
v.) NO. 2:11-0044
) JUDGE SHARP
LOWE'S HOME CENTERS, INC.,)
)
)
Defendant.)

ORDER

On April 15, 2011, Defendant, Lowe's Home Centers, Inc., filed a Notice of Removal to the United States District Court for the Middle District of Tennessee from the Circuit Court of Putnam County, Tennessee. Defendant filed a Motion to Dismiss on May 5, 2011, for failure to state a claim upon which relief could be granted. Plaintiff, Roger Riddle, stated in his response that he filed and served an Amended Complaint on Defendant adding a party-defendant prior to the Notice of Removal filing. Further, Plaintiff alluded that he may challenge removal of the state court action to this Court based upon subject matter jurisdiction and/or that he may raise the issue of defective filing.

After reviewing the filings, the Court is not inclined to rule on the pending motion at this time. To aid in its consideration of the pending motion, the Court requests supplemental briefing by the parties as to subject matter jurisdiction and any removal issues. A brief shall be filed by Plaintiff within fourteen (14) days from the date of this Order. Defendant shall file its response within seven (7) days after the filing of Plaintiff's brief.

IT IS SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE